

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

\*\*\*\*\* IA. BOARD OF MED. EXAMINERS \*\*\*\*\*

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**EMERSON K. WIRTZ, M.D., RESPONDENT**

**No. 02-00-389**

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IA. BOARD OF MED. EXAMINERS

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**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), and Emerson K. Wirtz, M.D. (Respondent), on October 17<sup>th</sup>, 2000, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges, Settlement Agreement and Final Order.

1. Respondent was issued license number 15760 to practice medicine and surgery in Iowa on July 1, 1958. Respondent's Iowa medical license is current and will next expire on February 1, 2002.

2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

## **COUNT I**

3. Respondent is charged under Iowa Code sections 148.6(2)(i) (1999) with willful or repeated violation of a board rule when he inappropriately prescribed or dispensed controlled substances to members of his immediate family, in violation of 653 IAC section 12.4(19)(b).

## **CIRCUMSTANCES**

4. On numerous occasions between January 1999 and February 2000, Respondent, while living and practicing medicine in Georgia, inappropriately prescribed controlled substances to two immediate family members in Iowa.

## **SETTLEMENT AGREEMENT**

5. Respondent admits the allegations contained in the Statement of Charges.

6. Respondent is hereby **CITED** for inappropriately prescribing controlled substances to immediate family members, in violation of Board rules. Respondent is hereby **WARNED** that future violations of the laws and rules governing the practice of medicine may result in the suspension or revocation of your Iowa medical license.

7. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

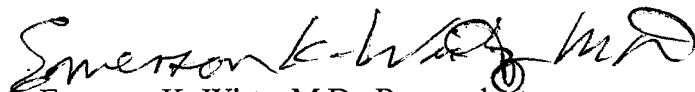
8. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

9. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

10. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

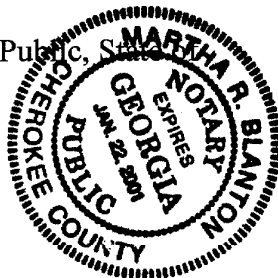
11. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this combined Statement of Charges, Settlement Agreement and Final Order, it shall be of no force or effect to either party.

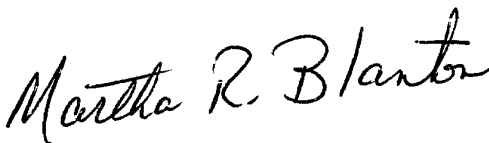
12. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

  
Emerson K. Wirtz, M.D., Respondent

Subscribed and sworn to before me on October 17, 2000.

Notary Public, State of Georgia





This combined Statement of Charges, Settlement Agreement and Final Order is approved by  
the Board on November 16, 2000.

Dale R. Holdiman MD  
Dale R. Holdiman, M.D., Chair  
Iowa Board of Medical Examiners  
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Des Moines, Iowa 50309-4686